



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams,
Agency Secretary

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Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
March 3, 2011
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, California

The meeting was called to Order by Chair Fran Diamond at 9:07 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Fran Diamond, Vice Chair Mary Ann Lutz, Madelyn Glickfeld, Maria Mehranian, Steve Blois, and Charles Stringer.

Board Members Absent: None.

Staff Present: Sam Unger, Deborah Smith, Dr. Yue Rong, Ronji Moffett, Jennifer Fordyce, Frances McChesney, Alex Carlos, Paula Rasmussen, Hugh Marley, Kristie Kao, David Hung, Cassandra Owens, Dr. Rebecca Chou, Dr. Arthur Heath, Rebecca Christmann, Veronica Cuevas, Enrique Casas, Dr. Kwangil Lee, Dr. Wen Yang,

Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Mr. Norman Dupont,	Ms. Laurie Pekich, Friends of Colorado Lagoon
Ms. Kirsten James, Heal the Bay	Mr. Jim Kentosh, United Water
Mr. Ray thorn, Friends of Colorado Lagoon	Mr. Andrew Kincaid, friends of Colorado Lagoon
Ms. Liz Crosson, Santa Monica Baykeeper	Mr. Cristobil Colio, Royal Catering
Mr. Gar Chui, ERM	Ms. Kristen Ruffen, L.A. County Sanitation District
Ms. Beth Bax, L.A. County Sanitation District	Mr. George DeLao, L.A. County Flood Control Dist.
Ms. Jackie Takeda, Cal Water Service	Ms. Patricia Elkins, Carson & Dominguez Watershed
Ms. Linda Lee, L.A. County DPW	Ms. Danielle Rigali, MACTEC Engineering
Ms. Tatiana Gaur, Santa Monica Baykeeper	Mr. Adel Hagekhalil, City of Los Angeles
Mr. Shahram Kharaghani, City of Los Angeles	Mr. Win Tam, City of Los Angeles

Item 2. Order of Agenda.

Item 20, is being continued to the March 3, 2011 Board meeting.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Item 3. Approval of draft meeting Minutes for February 3, 2011.

Board member Maria Mehranian stated that she was misquoted on a statement made by her during the election of Chair. She clarified the language to modify the quote in the draft Minutes.

Board Member Charles Stringer made clarification that he was abstained from voting on the draft November 3, 2010 meeting Minutes because he was not on the Board at the time. His abstaining was omitted from the draft minutes.

MOTION: To approve the draft Meeting Minutes for the February 3, 2011 with proposed changes by Board member Charles Stringer, and Maria Mehranian.

First: Board Member Maria Mehranian

Second: Board Member Steve Blois

Vote: Approved by unanimous vote

Item 4. Board Member Communications.

There were no communications reported by the Board that constitute disclosure for this item.

Item 5. Executive Officer's Report

Report and Addendum Report was given to the Board. The Report was posted on the Board's website:

www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html

Item 5.a. Enforcement Report. (Paula Rasmussen)

Item 6. Board Checklist.

There was no discussion or questions regarding the Board Checklist.

Item 7. Update from State Board. *(There was no report from Fran Spivy Weber during this meeting.)*

Item 8. Public Forum.

- Mr. Norman DuPont, Representing 11 Cities
- Ms. Judith Fries, L.A. County Flood Control District
- Ms. Patricia Elkins, City of Carson, Dominguez Channel Watershed
- Mr. Jim Kentosh, United Water Conservation District
- Mr. Ray Tahir, Representing various cities and self
- Mr. George De Lao, L.A. County Flood Control District
- Ms. Kirsten James, Heal the Bay
- Ms. Tatiana Gaur, Santa Monica Baykeeper

Approval of Uncontested Calendar.

Executive Officer Sam Unger announced the Consent items as follows: Items 9, and 10.

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Board member Charles Springer asked couple of question on Item 9 regarding the zinc violation and asked for a future write-up on the history of the violations.

After Board Member Stringer's questions and concerns were addressed by Regional Board staff, Item 9 was then restored to the Consent calendar, *and a motion was made.*

MOTION: To deem non-controversial and approve Agenda Item(s): Items 9, and 10.

First: Vice Chair Mary Ann Lutz

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote.

Item 11. Consideration of tentative Amendment to Waste Discharge Requirements for Disposal and On-site Reuse of Non-Designated/Non-Hazardous Contaminated soils and Related Wastes at Municipal Solid Waste Landfills.

Chief Deputy Executive Officer Deborah Smith gave introductory remarks, and then introduced the Project Manager, Enrique Casas.

Staff Report by Mr. Enrique Casas. (*Mr. Casas made, but was not limited to the following points.*):

- Talked about the background of the sites
- Staff believe the amendments are necessary for Order 91-93 because it is ineffective and needs strengthening
- There has been an increase in the use of land material
- Discussed the landfill use of waste
- Discussed potential stormwater impairment
- Discussed current stormwater regulations
- Landfill- use requirements for contaminated soils/related wastes
- Enhanced stormwater requirements are included in the proposed Amendment
- Provided a Chronology of Public Participation of workshops and public review periods
- Key issues of concern are AB 939 Mandate
- Another key concern is stormwater sampling costs is excessive

Public comment:

- Mr. Bernard Bigham, Representing himself (opposed)
- Ms. Kristen Ruffell, L.A. County Sanitation District (concerns about sampling requirement)
- Mr. Andy Horey, Ventura Regional Sanitation District (would like to begin frequency and monitoring after the plans have been approved)

Board Questions and Concerns:

- Asked to clarify changes that were made
- Asked to clarify if we are including waste as a cover?
- What happens if waste is taken from the landfill?
- Asked for clarification that the amendment is designed to protect ground water monitoring?
- Expressed being comfortable with the reopener

MOTION: To adopt the amended waste discharge requirements with proposed language, with the Change sheet as follows:

- Add a new finding after Finding 14 as follows: “The Regional Board recognizes the benefits of recycling and reuse of waste materials consistent with AB 939 and Title 27 CCR. This Order is not intended to and does not conflict with AB 939.”
- Add to CEQA Finding 21: “The purpose of this Order is to amend existing individual waste discharge requirements for municipal landfills within the Los Angeles Region by setting forth criteria and monitoring that apply to the use of wastes for landfill cover to assure protection of surface and groundwater quality and public health consistent with title 27 CCR. This Order does not amend the individual waste discharge requirements to allow the discharge of a larger volume or different waste to the landfills than already allowed under the existing individual waste discharge requirements.”
- Add a new finding after Finding 21 as follows: “Nothing in this Order authorizes the discharge of waste in violation of applicable state or federal laws and regulations, including air quality laws, nor exempt any dischargers from applicable air quality laws or regulations.”
- Revise paragraph E.2, lines 2 and 3: “For any MSW, the discharger shall no later than 60 days from Executive Officer approval of the updated list of COCs, implement stormwater monitoring procedures”.

First: Vice Chair Mary Ann Lutz

Second: Board Member Charles Stringer

Vote: Approved by unanimous vote

The Board went into Closed Session at 12:34

Reconvened at 2:00

Item 12. Consideration of a tentative Resolution to support the disbursement of Cleanup and Abatement Account (CAA) funds to the City of Long Beach for the Colorado Lagoon Restoration Project.

Staff Report. Dr. Eric Wu. (*Dr. Wu made, but was not limited to the following points in his presentation*):

- Discussed contamination and impacts to beneficial uses
- The use of Cleanup and Abatement Account (CAA) funds and the use of CAA funds
- Discussed eligibility for use of CAA funds
- Objectives of Colorado Lagoon Restoration Plan
- Talked about the scope of the project for CAA application
- Prioritization of Colorado Lagoon Project

Public Comments.

- Mr. Eric Lopez, Representing City of Long Beach
- Ms. Julie Malchi, Councilmember DeLong’s Office
- Mr. Ray Thorn, Friends of Colorado Lagoon (in support)
- Ms. Whitney Graves, Colorado Lagoon Volunteer (in support)
- Ms. Adrienne Bosler, Friends of Colorado Lagoon (in support)
- Ms. Laurie Pekich, Friends of Colorado Lagoon (in support)
- Ms. Patricia Elkins, Carson & Dominguez Watershed (in support)

Board questions and concerns:

- Is there a program available to monitor the progress of the lagoon?
- What measures are taken to make sure that sediment is not just stirred up?
- How much is in the CAA fund?
- How much of the account is funded by penalties?

MOTION: To approve the staff recommendation. with Change Sheet.

First: Board member Charles Stringer

Second: Board member Steve Blois

Vote: Approved by unanimous vote.

Item 13. Hearing to consider a tentative Resolution authorizing referral to the California Attorney general for judicial enforcement under California Water Code section 13350, 13385, and appropriate injunctive relief against the City of South Pasadena for alleged violation of State Water Resources Control Board Order No. 2006-0003-DWQ.

Staff Report. Ms. Paula Rasmussen. (*Ms. Rasmussen made, but was not limited to the following points during her presentation*):

- The Referral to CA Attorney General's office is for multiple sewage spills by the City of South Pasadena
- The City has continued to violate the Sanitary Sewer Overflow (SSO) Waste Discharge Requirements (WDR) chronically
- To date, the City has failed to make any changes to its waste system
- The City reported 26 spills of 121,140 gallons of untreated waste water
- The City accounts 4.4% for the Region's spills
- Some of the City's SSO's were not reported to CIWQS
- The City reported that it needs \$45 million or \$464,000 per year to clean up

Presentation by City of South Pasadena Representative, Mr. Matthew Sweeney, Director- Public Works Department

- Discussed improvements in the works by the City of South Pasadena
- Indicated that he would rather see fines used for effluent improvements

Public comment:

- Ms. JoAnn Cola, USEPA (in support)

Board questions, and concerns:

- Asked City representative if there has been any consideration in the past to raise sewer rates?
- What kind of timeline and monitoring is anticipated?
- What is the advantage to this Board for referral to the Attorney General's Office?

MOTION: To approve the staff recommendation.

First: Board member Madelyn Glickfeld

Second: Board member Maria Mehranian

Vote: Approved by unanimous vote

Item 15. Update on Supplemental Environmental Project (SEP) Policy.

Staff Report. By Mr. Reed Sato, State Board (*Mr. Sato made, but was not limited to the following remarks in his presentation.*)

- The SEP Policy was adopted by State Board in September 2009
- SEPs are projects that enhance the beneficial uses of water
- There are limits on the use of SEPs
- Discussed the Goals SEP Policy Revisions
- Gave a summary of the SEP Policy Revisions
- Regions regularly permit SEPs in excess of 50% of total value of the fine assessed

Public Comment.

- Ms. Kirsten James, Heal the Bay (*Asked the Board to be more pro-active in getting SEPs funded*)

Item 16. Progress on the Total Maximum Daily Load (TMDL) Implementation with Proposition 'O' (Prop 'O').

A presentation was made by Mr. Adel Hagekhalil, City of Los Angeles (*Mr. Hagekhalil made, but was not limited to the following points in his presentation.*)

- Santa Monica Bay beaches are safer for swimming
- Ocean floor habitats have made a remarkable recovery
- Challenges include aging infrastructure, regulations, and global warming
- Goal is to capture stormwater before it gets to the ocean and to clean it

Item 14. Status Update on the Light Non-Aqueous Phase Liquid (LNAPL) Recoverability Study for Refineries and Terminals in the Los Angeles Basins (Western States Petroleum Association)

Presentation was made by Ms. Patti Senecal, Western States Petroleum Association

The Board meeting was adjourned at 4:50 pm. Draft Minutes may be approved, rescinded or modified at the April 14, 2011 Board meeting.

Written and submitted by: _____ then finalized on April 15, 2011.

Ronji R. Moffett